

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RIGHTHAVEN LLC,

Plaintiff,

v.

INDEPENDENT POLITICAL REPORT,  
*et al.*,

Defendants.

Case No. 2:10-CV-1118-KJD-RJJ

**ORDER**

Plaintiff's complaint was filed on July 8, 2010. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon Defendant Independent Political Report expired no later than November 5, 2010. On November 8, 2010, the Court ordered Plaintiff to file proof of service of the summons and complaint no later than November 22, 2009, and warned Plaintiff that failure to do so would result in the complaint against Defendant Independent Political Report being dismissed without prejudice.

Plaintiff served Defendant Charles Martin on July 12, 2010. Defendant Martin has still failed to answer or otherwise respond to the complaint. On November 8, 2010, the Court ordered Plaintiff to file a status report, motion for default judgment or notice of voluntary dismissal as to Defendant

1 Martin no later than November 22, 2010. However, Plaintiff has entirely failed to respond to the  
2 Court's order.

3 Plaintiff has failed to file proof of service on Defendant Independent Political Report, or to  
4 otherwise respond to the Court's order. Therefore, the Court dismisses Plaintiff's complaint without  
5 prejudice against Defendant Independent Political Report for failure to serve Defendant in  
6 compliance with Rule 4(m). Furthermore, the Court orders Plaintiff to file a status report, motion for  
7 default judgment or notice of voluntary dismissal as to Defendant Martin no later than December 30,  
8 2010. If Plaintiff fails to respond the Court will dismiss the action against Defendant Martin without  
9 prejudice.

10 **IT IS SO ORDERED.**

11 DATED this 14<sup>th</sup> day of December 2010.

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15 Kent J. Dawson  
16 United States District Judge  
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